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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCIS KELLY, DENNIS KRUGER, ROBERT P.)	Case No. C 05-1287 SI
ANDERSON, GEORGE O. BULLWINKEL,)	
STEPHEN C. CHRISTENSEN, FRED J. FEGAN,)	[PROPOSED]
GERALD L. GREY, THOMAS E. KAZARIAN,)	ORDER GRANTING
FRANK M. KUNST, GARY J. LAVAYASSE,)	PRELIMINARY APPROVAL
PATRICK H. McLAUGHLIN, DANIEL M.)	OF CLASS SETTLEMENT
O'DONNELL, ROBERT G. OLLER, HENRY L.)	
RANEY, GEORGE J. RIPOLL, PATRICIA)	Date: February 29, 2008
CAULFIELD AND HONORA PUCCETTI,)	Time: 9:00 a.m.
Individually and on Behalf of Others Similarly)	Courtroom: 10, 19 th Floor
Situated,)	Hon. Susan Illston

Plaintiffs,

v.

corrected order

CITY AND COUNTY OF SAN FRANCISCO; SAN
FRANCISCO FIRE DEPARTMENT; EDWARD M.
HARRINGTON, in his Official Capacity as Controller
of the City and County of San Francisco; PHILIP A.
GINSBURG in his Official Capacity as Human
Resources Director of the City and County of San
Francisco; and DOES ONE through FIFTY, inclusive,

Defendants.

Pursuant to this Court's Order of December 7, 2007, a hearing on preliminary approval of class settlement was held on February 29, 2008. Having considered the pleadings, the memoranda of points and authorities, the proposed Settlement Agreement and other documents and papers submitted by counsel as well as the arguments of counsel, the Court grants preliminary approval of the class

1 settlement.

2 The Court finds that the terms set forth in the proposed Settlement Agreement are fair,
3 reasonable and adequate, and in the best interests of the Plaintiffs, the Class Members and the
4 Collective Action Members ("Settlement Class"). Therefore, the Court grants preliminary approval
5 of the parties' Settlement Agreement, including approval of the four Notices of Proposed Settlement
6 that are to be sent to members of the Settlement Class and approval of the Release of Claims.


7 As part of the settlement and pursuant to the stipulation of the parties, the Court hereby
8 certifies, under Federal Rule of Civil Procedure 23, the following class with respect to the vacation
9 pay claim: "All former uniformed employees of the San Francisco Fire Department who were eligible
10 for Training and Education Achievement Pay, Retention Pay and/or Terrorism Response Training Pay
11 and who separated from employment through June 30, 2007 and, following separation from
12 employment, received a lump sum payment on or after February 25, 2002 for any accrued vacation
13 pay that did not include Training and Education Achievement Pay, Retention Pay and/or Terrorism
14 Response Training Pay."

15 The Final Settlement Hearing on the question of whether the proposed settlement should be
16 finally approved as fair, reasonable and adequate shall be held in this Court on July 11 2008
17 at 9:00 a.m.

18 Plaintiffs shall file their motion for an award of attorneys' fees and costs by 3/21/08,
19 2008. A hearing shall be held in this Court on said motion on 7/11/08, 2008 at 9:00 a.m.

20 IT IS SO ORDERED.

21
22 Dated: 2/29 2008

23 
24 By: _____
25 SUSAN ILLSTON
26 UNITED STATES DISTRICT JUDGE
27
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